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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/139,330	08/25/1998	KOICHI SAKAMOTO	Q50138	5205

7590 07/02/2003  
SUGHRUE MION ZINN MACPEAK & SEAS  
2100 PENNSYLVANIA AVENUE N W  
WASHINGTON, DC 200373202

EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/02/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

7

# Office Action Summary

Application No.

09/139,330

Applicant(s)

SAKAMOTO, KOICHI

Examiner

LUONG T NGUYEN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 9, 10 and 19 is/are rejected.
- 7) ☒ Claim(s) 11-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 9-10, 19 filed on 4/16/2003 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-10, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine (US 4,751,583) in view of Harshbarger, Jr. et al. (US 5,351,201).

Regarding claim 9, Levine discloses a method of printing an image, comprising the steps of capturing an original image by an image pickup device (camera 10, figure 1, column 2, lines 40-45); displaying the original image captured by the image pickup device on a display device as a reproduced image (display 13, figure 1, column 3, lines 15-40); restoring print image data representing a print image associated with the reproduced image to be displayed on a server monitor (image captured by camera 10 can be displayed on display screen 23, figure 1, column 3, lines 55-61); performing a printing processing on the print image data (printer 22, figure 1,

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column 3, lines 55-61); printing an image represented by the print image data performed with the printing processing (printer 22, figure 1, column 3, lines 55-61).

Levine fails to specifically disclose displaying on a screen of the display device a reference image for detection of a controlled state of the display device; capturing the reference image displayed on the screen by the image pickup device to produce reference image data; and estimating a displayed state of the reproduced image displayed on the display device from the reference image data. However, Harshbarger, Jr. et al. disclose a camera 26 which is utilized to view the visual information presented on display 22 through input from pattern generator 24 (displaying and capturing the reference image, figure 1, column 6, lines 27-50). Harshbarger, Jr. et al. disclose a program for performing analysis of the video display, once the pattern and code have been displayed on the video display (estimating a displayed state of the reproduced image displayed on the display device, figure 14, column 13, lines 14-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Levine by the teaching of Harshbarger, Jr. et al. in order to provide an apparatus for automatically evaluating the performance of an electronic video display device (column 3, lines 39-40).

Regarding claim 10, Harshbarger, Jr. et al. disclose wherein the reference image comprises a picture pattern reference representing gradation levels (gray scale, figure 4J, column 9, lines 46-48).

Regarding claim 19, Levine discloses step of editing (column 4, lines 35-45). Levine and Harshbarger, Jr. et al. do not disclose the step of performing the printing processing comprising the step of using information obtained during the step of editing to modify the print image data. However, Levine discloses a hard copy is printed by printer 22 (figure 1) and image is edited before being printing (column 4, lines 35-45). It would have been obvious to include the step of using information obtained during the step of editing to modify the print image data into the device of Levine and Harshbarger, Jr. et al. in order to a desired hard copy.

*Allowable Subject Matter*

4. Claims 1-8, 20-21 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

As for claims 1-8, See Examiner's comment for a statement of reasons for the indication of allowable subject matter as indicated in paper No. 6 made on 1/16/2003.

Regarding claim 20, the prior art of the record fail to show or fairly suggest an image print system comprising a first processor, said first processor comprising a data transmitter for receiving, from said image pickup device, reference image data generated from said image pickup device capturing the reference image displayed on said display device, and for transmitting the reference image data together with the original image data.

Claim 21 is allowable for the reason given respect to claim 20.

5. Claims 11-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

See Examiner's comment for a statement of reasons for the indication of allowable subject matter as indicated in paper No. 6 made on 1/16/2003.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is (703) 308-9297. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber** can be reached on (703) 305-4929.

**Any response to this action should be mailed to:**

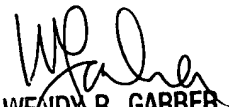
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Washington, D.C. 20231

**Or faxed to :** (703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (703) 306-0377.

LN LN  
June 28, 2003

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600